



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,369	07/06/2004	Heng-Chien CHEN	TRAP0008USA	4368
27765	7590	10/12/2007	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION			HASHEM, LISA	
P.O. BOX 506			ART UNIT	PAPER NUMBER
MERRIFIELD, VA 22116			2614	
			NOTIFICATION DATE	DELIVERY MODE
			10/12/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

winstonhsu.uspto@gmail.com
Patent.admin.uspto.Rcv@naipo.com
mis.ap.uspto@naipo.com.tw

Office Action Summary	Application No. 10/710,369	Applicant(s) CHEN, HENG-CHIEN	
	Examiner Lisa Hashem	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,594,255 by Neuman.

Regarding claim 1, Neuman discloses IP-based PBX system comprising: an IP-based PBX host (Fig. 1, 16) for serving IP-based PBX extensions (Fig. 1: 10, 15), the IP-based PBX host comprising: a routing module (Fig. 1, 14) for connecting the IP-based PBX host to the Internet (Fig. 1, 11) through a plurality of Internet connections with a plurality of corresponding IP addresses (col. 4, lines 22-59); and at least an IP-based PBX extension, each IP-based PBX extension selecting a first IP address from the IP addresses for connecting the IP-based PBX host, each IP-based PBX extension comprising: a storage unit for recording the IP addresses (col. 4, lines 40-59).

Regarding claim 2, the IP-based PBX system of claim 1, wherein Neuman discloses the IP-based PBX host receives packets outputted from a plurality of IP-based PBX extensions through all of the Internet connections (col. 3, lines 7-50; col. 4, line 60 – col. 5, line 19).

Regarding claim 3, the IP-based PBX system of claim 2, wherein Neuman discloses if the IP-based PBX host detects that an Internet connection is unable to receive packets, the IP-based PBX host notifies the IP-based PBX extension to stop utilizing an IP address corresponding to the Internet connection (col. 5, lines 43-57; col. 6, lines 51-55).

Regarding claim 6, the IP-based PBX system of claim 1, wherein Neuman discloses the IP connections are xDSL modems, cable modems, T1 connections, or other broadband connections (col. 4, line 40 – col. 5, line 1).

Regarding claim 7, Neuman discloses a method of connecting an IP-based PBX host (Fig. 1, 16) and at least an IP-based PBX extension (Fig. 1: 10, 15), the IP-based PBX host being capable of serving the IP-based PBX extension through the Internet (Fig. 1, 11), the method comprising:

- (a) connecting the IP-based PBX host to the Internet through a plurality of Internet connections with a plurality of corresponding IP addresses (col. 4, lines 22-59);
- (b) recording the IP addresses in the IP-based PBX extension (col. 2, line 63 – col. 3, line 6); and
- (c) utilizing the IP-based PBX extension to select a first IP address from the IP addresses for connecting the IP-based PBX host (col. 4, lines 22-59).

Regarding claim 8, the method of claim 7, wherein Neuman discloses the IP-based PBX host receives packets outputted from a plurality of IP-based PBX extensions through all of the Internet connections (col. 4, line 40 – col. 5, line 1).

Regarding claim 9, Neuman discloses the method of claim 8 further comprising:

Art Unit: 2614

if the IP-based PBX host detects that an Internet connection is unable to receive packets, notifying the IP-based PBX extension to stop utilizing an IP address corresponding to the Internet connection (col. 5, lines 43-57; col. 6, lines 51-55).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuman, as applied to claim 1 and 9, respectively, in view of U.S. Pat. No. 7,254,643 by Peters et al, hereinafter Peters.

Regarding claim 4, the IP-based PBX system of claim 3 wherein Neuman does not disclose removing the IP address.

Peters discloses an IP-based PBX host (i.e. MGC/IP PBX) controls an IP-based PBX extension to remove an IP address corresponding to an Internet connection from a storage unit (col. 9, lines 11-32; col. 9, lines 9-31; col. 36, lines 38-51).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Neuman to include removing an IP address as taught by Peters. One of ordinary skill in the art would have been lead to make such a modification to make sure communication is prevented to an IP address that is invalid.

Regarding claim 10, please see the rejection applied to claim 4 to reject claim 10.

Art Unit: 2614

5. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuman, as applied to claim 1 and 7, respectively, in view of U.S. Pat. No. 6,661,799 by Molitor.

Regarding claim 5, the IP-based PBX system of claim 1 wherein Neuman discloses the IP-based PBX extension checks if the IP-based PBX extension is capable of connecting the IP-based PBX host through the first IP address (col. 5, lines 52-57).

However, Neuman does not disclose selecting a second address.

Molitor discloses checking if an IP-based PBX extension is capable of connecting an IP-based PBX host (col. 7, lines 39-45) through a first IP address (i.e. unassigned, unofficial IP address); and utilizing the IP-based PBX extension to select a second IP address (i.e. valid IP address) from the IP addresses for connecting the IP-based PBX host if the IP-based PBX extension is unable to connect the IP-based PBX host through the first IP address (col. 5, line 61 – col. 6, line 6; col. 6, lines 49-60).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Neuman to include selecting a second address as taught by Molitor. One of ordinary skill in the art would have been lead to make such a modification to make sure communication is set up to a destination when a first address is invalid.

Regarding claim 11, please see the rejection applied to claim 5 to reject claim 11.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

7. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450

Art Unit: 2614

Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:


(571) 272-2600 (for customer service assistance)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh
October 7, 2007


AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700